

JCWSCS 09 JUL 2004

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PATENTS  
TECHNOLOGY LICENSING  
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July 9, 2004

**FACSIMILE MESSAGE – COVER SHEET**

To: Office of Initial Patent Examination's Filing Fax number: 703-746-9195  
Receipt Corrections

Company: U.S. Patent and Trademark Office Application No.: 10/807,776

No. of pages: 16 including cover sheet Filing Date: 23 March 2004

From: Tuddy Denby for John M. Janeway Our Ref: 1993-1-5

Regarding: Application for VALVE FOR CONTROLLING FLUID FLOW THROUGH A  
TUBE, AND RELATED SYSTEMS AND METHODS

Message:

Please find attached a request for correction to filing receipt regarding the above-  
referenced patent application.

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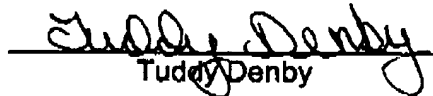
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ronald Anthony Schmaltz  
Title: VALVE FOR CONTROLLING FLUID FLOW THROUGH A  
TUBE, AND RELATED SYSTEMS AND METHODS  
Application No.: 10/807,776  
Filing Date: 23 March 2004  
Examiner/Unit: /3751  
Attorney Docket No.: 1993-1-5

## CERTIFICATE OF TRANSMISSION

Date of facsimile transmission: July 9<sup>th</sup>, 2003

I hereby certify that this correspondence is being transmitted via facsimile to fax number (703) 746-9195, Office of Initial Patent Examination's Filing Receipt Corrections, on the date indicated above and is addressed to the Commissioner for Patents on this 9<sup>th</sup> day of July, 2004.

  
Tuddy Denby

## REQUEST FOR CORRECTION OF FILING RECEIPT

COMMISSIONER FOR PATENTS  
APPLICATIONS PROCESSING DIVISION  
CUSTOMER CORRECTION BRANCH

**Status:**

A Filing Receipt for the above-referenced patent application has been issued by the PTO. The Filing Receipt sets forth an inaccuracy concerning the present application. Specifically, the Inventors' last name is misspelled. The Filing Receipt has

a spelling of Ronald Anthony Schmaltz, however, as indicated on the original Declaration and other transmittals, the inventors' name is spelled Ronald Anthony Schmaltz. The instant request provides the PTO with correct data so that the records for this patent application may be appropriately updated.

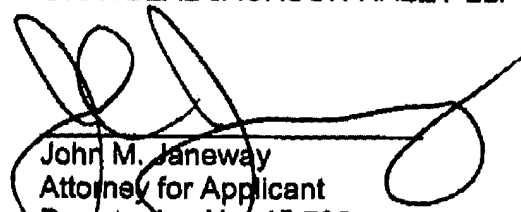
A copy of the PTO's Filing Receipt is included with this request. Reference to the Filing Receipt and the enclosed documents should provide the Office with sufficient evidence to support Applicants' request for correction.

A correction of the Filing Receipt is respectfully requested in this regard.

Should the Customer Correction Branch have any questions concerning this Request For Correction of Filing Receipt a call to the undersigned is strongly encouraged.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP



John M. Janeway  
Attorney for Applicant  
Registration No. 45,796  
155-108th Avenue N.E., Ste 350  
Bellevue, WA 98004-5901  
(425) 455-5575

6/16/04  
Page 1 of 2



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPL NO.	FILING OR 371 (a) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/807,776✓	03/23/2004✓	3751✓	385✓	1993-1-5✓	3✓	10✓	1✓

CONFIRMATION NO. 4287

Mr. John M. Janeway  
Graybeal Jackson Haley LLP  
Suite 350  
155 - 108th Avenue NE  
Bellevue, WA 98004-5973

RECEIVED  
JUL 17 2004

## FILING RECEIPT



\*OC00000012873179\*

GRAYBEAL JACKSON  
HALEY LLP

Date Mailed: 06/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-8195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Ronald Anthony Schmalz, Bothell, WA;

## Domestic Priority data as claimed by applicant

This application is a DIV of 10/116,571 04/03/2002 ✓

## Foreign Applications

If Required, Foreign Filing License Granted: 06/04/2004 ✓

Projected Publication Date: 09/16/2004 ✓

Non-Publication Request: No ✓

Early Publication Request: No ✓

\*\* SMALL ENTITY \*\* ✓

## Title

Valve for controlling fluid flow through a tube, and related systems and methods ✓

## Preliminary Class

004

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

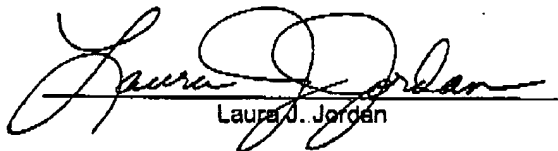
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF MAILING OR TRANSMISSION

"Express Mail" mailing label number: ER394245949US

Date of Deposit: 23 March 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR, Section 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by

  
Laura J. Jordan

**Present Application:**

Applicant: Ronald A. Schmaltz ←  
Title: VALVE FOR CONTROLLING FLUID FLOW THROUGH  
A TUBE, AND RELATED SYSTEMS AND METHODS  
Attorney Docket No.: 1993-1-5

**Pending Prior Application:**

Applicant: Ronald A. Schmaltz ←  
Serial No.: 10/116,571  
Filing Date: 3 April 2002  
Title: VALVE FOR CONTROLLING FLUID FLOW THROUGH  
A TUBE, AND RELATED SYSTEMS AND METHODS  
Examiner/Unit: John K. Fristoe Jr./3754  
Attorney Docket No.: 1993-1-3

**REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)**

The following items designated with an "X" are requested or enclosed with this transmittal letter:

This is a request for filing a continuation \_\_\_\_, continuation-in-part \_\_\_\_, or **divisional** X application under 37 CFR 1.53(b) of pending prior application identified above.

1. X A filing date in accordance with 37 CFR 1.10 is requested. (Express mail certificate appears on this transmittal letter.)
2. X A true copy of the prior application including declaration as originally filed is enclosed. (See Nos. 9 and 10 for drawing requirements.)
3. X The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW,  
PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT, IF ANY

	Number Filed		Number Extra		Basic Fee <del>\$770</del> / <u>\$385</u>
Total Claims	10	- 20 =	0	X \$18/\$9 =	\$0.00
Independent Claims	1	- 3 =	0	X \$86/\$43 =	\$0.00
Multiple Dependent Claims	—	—	\$260/\$130=		\$0.00
<b>Total Filing Fee</b>					<b><u>\$385.00</u></b>

4. X Applicant claims small entity status.
5. X Check No. 21860 for the above calculated filing fee is enclosed.
6. X Please charge any additional fee or credit any overpayment to Deposit Account No. 07-1897.

7. ☐ Enter the amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 but unentered in the prior application.
8. ☒ A preliminary amendment is enclosed.
9. ☐ Transfer the drawings from prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
10. ☒ New drawings (3 sheets) identical to those originally filed in the prior application and amended in applicant's response dated 21 January 2004, are enclosed.
11. ☒ Priority of U.S. application Serial No. 10/116,571, filed on 3 April 2002, is claimed under 35 USC 120.
12. ☐ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_, in (country) is claimed under 35 USC 119.
13. ☐ The prior application is assigned to \_\_\_\_\_, Inc., Reel \_\_\_\_\_, Frame \_\_\_\_\_.
14. ☒ The original power of attorney in prior application is to: John M. Janeway, Reg. No. 45,796, and all attorneys associated with Customer Number 000996. The power appears in the original papers in the prior application (copy enclosed).
15. ☐ A second power of attorney in prior application is to: \_\_\_\_\_ The second power appears in the original papers in the prior application.
16. ☐ An associate power of attorney is enclosed.
17. ☒ Also enclosed: Information Disclosure Statement with 30 total cited references.

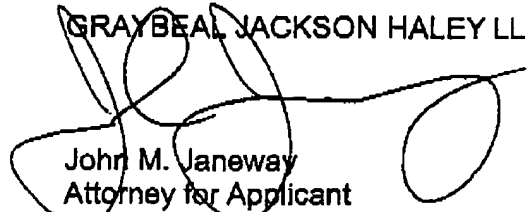


Please address all future correspondence to John M. Janeway at the following address:

Mr. John M. Janeway  
Graybeal Jackson Haley LLP  
155 - 108th Avenue NE, Suite 350  
Bellevue, WA 98004-5973  
e-mail: [jjaneway@graybeal.com](mailto:jjaneway@graybeal.com)

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

John M. Janeway  
Attorney for Applicant  
Registration No. 45,796  
155 - 108th Avenue NE, Suite 350  
Bellevue, WA 98004-5973  
(425) 455-5575

FILE COPY

## PATENT APPLICATION - CERTIFICATE OF MAILING

Inventors: Ronald Anthony Schmaltz ←

Title of Invention: VALVE FOR CONTROLLING FLUID FLOW THROUGH A  
TUBE, AND RELATED SYSTEMS AND METHODS

Attorney Dkt. No.: 1993-1-3

## CERTIFICATE OF MAILING OR TRANSMISSION

"Express Mail" mailing label number: EJ760077173USUS

Date of Deposit: April 3, 2002

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Signature

## Enclosures:

Utility Patent Application Transmittal  
Fee Transmittal  
Application (17 pages)  
Drawings (3 pages)  
Declaration  
Power of Attorney  
Check No. 184441 for \$448.00 filing fee  
Return postcard

Please type a plus sign (+) inside

box → 

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 1993-1-3

First Inventor Ronald Anthony Schmalz

Title VALVE FOR CONTROLLING FLUID FLOW THROUGH A TUBE,  
AND RELATED SYSTEMS AND METHODS

Express Mail Label No. EJ760077173US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification (Total Pages 17)  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the invention  
- Brief Summary of the invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C.113) (Total Sheets 3)
5. Oath or Declaration (Total Pages 1)  
a. ☒ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATIONS PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS/PTO-1449 Citations)
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☒ Other: Express Mail Certificate EJ760077173US

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information: Examiner \_\_\_\_\_

of prior application No: \_\_\_\_\_ / \_\_\_\_\_

Group / Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5a, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

00996

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

John M. Janeway

Registration No. (Attorney/Agent)

45,798

Signature

Date

April 3, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Commissioner for

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

TOTAL AMOUNT OF PAYMENT (\$) 448

Application Number

Filing Date

April 3, 2002

First Named Inventor

Ronald Anthony Schmitz

Examiner Name

Group / Art Unit

Attorney Docket No.

1993-1-3

## METHOD OF PAYMENT (check one)

1. ☐

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

07-1897

Deposit  
Account  
Name

Graybeal Jackson Haley LLP

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.18 and 1.17  
☒ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	185	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 370)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
24	-20	4	36
4	-3	1	42
			0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 78)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
108	130	208	65	Surcharge - late filing fee or oath	
127	80	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
118	400	218	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,880	228	940	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
136	1,510	136	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	240	Design issue fee	
144	820	244	410	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
128	180	128	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
189	900	189	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

John M. Janeway

Registration No. Attorney/Agent

45,798

Telephone

(425) 465-5575

Signature

Date

April 3, 2002

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Express Mail Number: EJ760077173US

Filing Date: April 3, 2002

**VALVE FOR CONTROLLING FLUID FLOW  
THROUGH A TUBE, AND RELATED SYSTEMS  
AND METHODS**

**Inventor:**  
**Ronald Anthony Schmaltz** ←

**John M. Janeway**  
**Graybeal Jackson Haley LLP**  
**155-108<sup>th</sup> Avenue, NE**  
**Suite 350**  
**Bellevue, Washington 98004-5973**  
**Telephone: (425) 455-5575**  
**Facsimile: (425) 455-1046**